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Felix J. D'Ambrosio
Bacon & Thomas, PLLC
625 Slaters Lane 4th Floor
Alexandria VA 22314-1176

In re Application of: SEITER :
Appl. No.: 09/423,619 : DECISION ON PETITION
Filed: November 15, 1999 :
For: INNER SOLE FOR A SHOE :

This is a decision on the petition filed on May 11, 2005, and re-submitted by petitioner on November 22, 2005 by which petitioner requests withdrawal of the holding of abandonment due to failure to timely file a proper reply to the Office letter mailed July 15, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioner alleges that the application is not abandoned because a reply to the Office letter in question was actually filed on October 15, 2003. Petitioner has supported this allegation by furnishing a copy of the reply and a copy of a post card filing receipt for the reply which shows that the reply was in fact received in the Office on October 15, 2003, a date within the period for filing a response to the Office letter in question. Based upon this evidence, it is clear that this application is not abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for entry of the reply filed on October 15, 2003. Thereafter, the application will be forwarded to the examiner for action on both the October 15, 2003 and supplemental February 18, 2004 replies.

PETITION GRANTED.

Richard A. Bertsch, Director
Technology Center 3700